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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/210,892	12/16/98	SHUTO	Y 614.1933
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EXAMINER

WASYLCHAK, S

ART UNIT

PAPER NUMBER

2764

3

DATE MAILED:

08/21/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09210892

Applicant(s)

SHUTO

Examiner

Steven R. Wasylchak

Art Unit

2764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☒ Responsive to communication(s) filed on 12/16/98
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☒ Claim(s) 1-16 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/16/98 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☒ received in Application No. (Series Code / Serial Number) 09210892
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 14) ☒ Notice of References Cited (PTO-892)
- 15) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 17) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 18) ☐ Notice of Informal Patent Application (PTO-152)
- 19) ☐ Other: _____

DETAILED ACTION

1. Examined claims 1-16
2. **Hereafter:** cl = claim(s)
L = line(s)
p = page(s)

Specification

3. The **title** of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The title is too generic and does "load" mean workload? MPEP 606.01.

Drawings

4. Figures 1-3 should be designated by a **legend** such as -- **Prior Art** -- because only that which is old is illustrated. See MPEP 608.02(g). Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect can be deferred until and if the application is allowed by the examiner.

Claim Rejections - 35 USC 102

5. The claims are broad and are rejected based upon examiner's interpretation of

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the claims. Applicant appears to be claiming a *project management model of inputting design parameters for a system into a transfer function consisting of a centralized multi-tasking computer database storing possible solutions that generate a required output design. This has been disclosed in the prior art.*

The prior art:

6. The following is a quotation of the appropriate paragraph of 35 USC102 that forms the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Cl 1-16 are rejected under 35 USC 102 (b) as being disclosed by

Srinivasan (US 5,548,506) and cl 1,9,16 are also rejected under 35 USC 102 (b) by Takeda (US 5,535,338):

cl 1,

A method of constructing a system by collecting information and know-how, comprising the steps of:

-storing information including development situations, know-how, and knowledge in a solution bank by a unit of a solution pattern; and / Srinivasan: abstract, L 11-12; fig 1 (10, 20), fig 2-9; Takeda: abstract, L 3-7, col 1, L 52-57, fig 1 (12,19)

-obtaining contents corresponding to a desired system so as to construct the desired system by accessing the solution bank from a computer in which

the desired system is to be constructed. / Srinivasan: fig 1 (50, 60), fig 10; Takeda:

fig 1 (11,15,16), col 1, L 57-67, col 2, L 1-12

cl 2,

The method as claimed in claim 1, wherein the solution bank stores information on an application environment including proposals, designs, software, know-how, and a programming environment. / Srinivasan as applied to cl 1 and Srinivasan in abstract, L 11-12; fig 1 (10, 20), fig 2 (30)

cl 3,

The method as claimed in claim 1, wherein said step of obtaining contents comprises the steps of:

- accessing the solution bank based on information including a business model, transaction forms, and a project size; and / Srinivasan as applied to cl 1 and Srinivasan in the abstract, L 4: "Multi-Project Server"; fig 1 (20); col 3, L 60-63
- selecting items of desired information from items presented by the solution bank. / Srinivasan as applied to cl 1, but Srinivasan does not explicitly disclose the selection process from the output. However, this output feature is deemed to be inherent to Shuto in order to implement the output and thus respond to the client's request, otherwise the output would be useless.

cl 4,

The method as claimed in claim 1, wherein said step of obtaining contents comprises the steps of:

- accessing the solution bank based on information including a solution pattern, a machine being used, a product being used; and / Srinivasan as applied to cl 1 and Srinivasan in fig 2 (60) for the solution bank; col 3, L 60-64: "with all necessary project

information" reading on "information including a solution pattern, a machine being used, a product being used; and"

-supplying an application environment of a default system from the solution bank to the computer in which the desired system is to be constructed / Srinivasan as applied to cl 1 and Srinivasan by reference to the above reasoning under cl 3. While Srinivasan does not explicitly disclose a default system, it is inherent in a system to have a default system as starting point in a system construction. Obviously, every system design requires a starting point, and, if none is given or assumed, a default system is used.

cl 5,

The method as claimed in claim 4, wherein said step of obtaining contents further comprises the step of supplying design documents of the default system from the solution bank to the computer in which the desired system is to be constructed. / Srinivasan as applied to cl 1, 4, 5 and by reasoning under cl 3 and 4 above.

cl 6,

The method as claimed in claim 1, wherein the solution bank provides a solution pattern categorized according to a business-transaction model which is requested by the computer in which the desired system is to be constructed. / Srinivasan as applied to cl 1 and Srinivasan in col 1, L 27-36 where "multi-project " would include a business-transaction model or any type of modeling project because no limitations are explicitly given for "multi-project."

cl 7,

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The method as claimed in claim 1, wherein the solution bank provides only a partial function of a solution pattern for the computer in which the desired system is to be constructed. / Srinivasan as applied to cl 1 and Srinivasan by the same reasoning as above in cl 6

cl 8,

The method as claimed in claim 1, further comprising the steps of: checking components incorporated into a default system which is used as a basis for the desired system; and / Srinivasan as applied to claim 1 and Srinivasan in fig 9 where the resource allocation flowchart encompasses "checking components incorporated into a default system" that was found in the reasoning under cl 5 above.

-utilizing the checked components for a computer in which another system is to be constructed. / Srinivasan as applied to claim 1 and Srinivasan in fig 8: template which reads:

"Check inter-project use of common resources and use inter-project priorities to re-allocate resources."

cl 9,

A system for constructing a system by collecting information and know-how, comprising: a solution bank including:

-content storing means for storing information including development situations, know-how, and knowledge by a unit of a solution pattern; and

-solution-pattern providing means for providing the information stored in said content

storing means as a solution pattern or a portion of the solution pattern in response to a request; and / refer to reasoning under cl 1 and under Claim Objection above with respect to duplicate claims

-a system-construction device which obtains contents corresponding to a desired system from said solution bank so as to construct the desired system by accessing said solution bank. / entire claim: refer to reasoning under cl 1 and under Claim Objection above with respect to duplicate claims

cl 10,

The system as claimed in claim 9, wherein

-said solution bank stores information on an application environment including proposals, designs, software, know-how, and a programming environment. / Srinivasan as applied to cl 9 and refer to reasoning under cl 2

cl 11,

The system as claimed in claim 9, wherein said system-construction device comprises:

-accessing means for accessing said solution bank based on information including a business model, transaction forms, and a project size; and selecting means for selecting items of desired information from items presented by said solution bank. / Srinivasan as applied to cl 9 and refer to reasoning under cl 3

cl 12,

The system as claimed in claim 11, wherein said access means accesses said solution bank based on information including a solution pattern, a machine being used, a product being used, and said solution-pattern providing means supplies an application

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environment of a default system from said solution bank to said system-construction device. / Srinivasan as applied to cl 9,11 and refer to reasoning under cl 4

cl 13,

The system as claimed in claim 12, wherein said solution-pattern providing means further supplies design documents of the default system from said solution bank to said system-construction device. / Srinivasan as applied to cl 9,11,12 and refer to reasoning under cl 5

cl 14,

The system as claimed in claim 9, wherein said solution-pattern providing means provides a solution pattern categorized according to a business transaction model which is requested by said system-construction device. / Srinivasan as applied to cl 9 and refer to reasoning under cl 6

cl 15,

The system as claimed in claim 9, wherein said solution-pattern providing means provides only a partial function of a solution pattern for the system-construction device. / Srinivasan as applied to cl 9 and refer to reasoning under cl 7

cl 16,

A machine-readable memory medium having a program embodied therein for constructing a system by collecting information and know-how, said program comprising:

-a solution-pattern providing program-code device configured to cause a solution bank, which stores information including development situations, know-how, and knowledge by a unit of a solution pattern, to provide the information as a solution pattern or a portion of the solution pattern in response to a request; and / Srinivasan: abstract, L 11-12; fig 1 (10, 20), fig 2-9; Takeda: fig 1 (13, 14, 15, 16, 17, 18, 19)

-a system-construction program-code device configured to cause a system-construction device to obtain contents corresponding to a desired system from the solution bank so as to construct the desired system by accessing the solution bank. / fig 1 (50, 60), fig 10; Takeda: col 2, L 5-13

Conclusion

The prior art made of record and not relied upon but still considered **pertinent** to applicant's disclosure:

Valko teaches computer process modeling

Kawashima teaches a planning system

Ferriter teaches a engineering software project management

Kawashima teaches a computer aided planning support system

Heindel teaches management of activities

Doyle business software engineering

Falkner teaches a database solution

Gero teaches a database solution

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven R. Wasylchak whose telephone number is (703) 308-2848. The examiner can normally be reached Mon -Thur from 8:00am to 6:30pm.

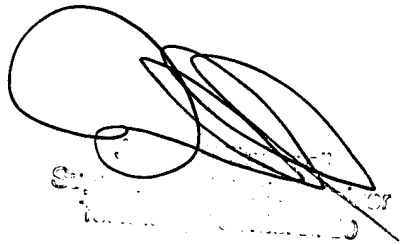
If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, James Trammell, can be reached at (703) 305-9768. The fax phone number for the organization where this application is assigned is (703) 305-0040.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-5140.

Steven Wasylchak

Steven R. Wasylchak

Date: 8/15/08

A handwritten signature, likely of Steven R. Wasylchak, consisting of several overlapping loops and a final flourish.